

the shank; and a drive which rotates the umbrella-like cap so that under centrifugal force it extends from a limp position to an open position, the centrifugal force being generated by the rotation of the umbrella-like cap.


None of the references applied by the examiner have anything to do with an umbrella device or arrangement. As such these references relate to totally non-analogous art.

See, *In re Deminski* 230 USPQ 313 (Fed. cir. 1986). Deminski announced a two-step inquiry with respect to testing for analogous and non-analogous art: (1) Is the reference within the field of the inventor's endeavor? Here, emphatically no; and (2) If not, is the reference reasonably pertinent to the particular problem with which the inventor was involved? Here again, emphatically no.

References which relate to apparatus for washing vehicles has really nothing at all in common with the umbrella art. Such references lack a connection as well as pertinence with the present invention.

(1)

For a reference to anticipate a claim it must disclose each and every positively recited element and limitation claimed. See, *In re Bond* 15 USPQ2d 1566 (Fed. Cir. 1990). If one element or limitation in the claim is missing in the reference, that reference cannot anticipate that claim. For example, in the case at hand, where is the "umbrella-like cap" of claim 18? It must have "tensile strength" and "low flexural strength" and a "circular base surface." Ennis does not, it is respectfully submitted, disclose or suggest such a cap. The "brushes" 18 or 20 are seen in Fig. 4. There is no continuous structure here. Instead, each is made up of what appears to be



individual and separate components. This certainly does not comprise an umbrella unless one were to ignore the obvious meaning of what an umbrella is. But whatever meaning one applies, it cannot include a structure which includes individual and separate components. The purpose behind the arrangement shown in Ennis has no connection to the purpose of the present invention. That is very clear from a reading of Ennis. For the purpose of cleaning one would not want a continuous structure. The individual and separate element configuration is much more efficient.

The art represented by Ennis and that represented by the present invention are different and not compatible.

(3)

It follows, also, that such a configuration of individual and separate components (Ennis) cannot form a basis for a rejection under 35 USC 103 either, because of the non-analogous nature of the disclosure in Ennis, but also because there is no suggestion in Ennis that the "brushes" 18 and 20 can be anything but individual and separate components. See, *In re Oetiker* 24 USPQ2d 1443 (Fed. Cir. 1992). The references must suggest the invention being examined, in some fashion. Ennis does not. Ennis does not contemplate an umbrella, however one wishes to interpret it. It would stretch reality to extend Ennis to the umbrella art. And even if one did, it is not clear where the teaching of a cap is to be found in Ennis.

(2) & (4)

Combining Ennis with Belanger (2) or Fromme (4), is not even feasible. How exactly would one of ordinary skill in the umbrella art adapt the arrangement of Ennis with that of Belanger when one considers that the "replacement cartridges" 35, cited by the examiner, are

riged to begin with. They are not "membranes" as suggested by the examiner. These cartridges do not "open" in response to centrifugal force.

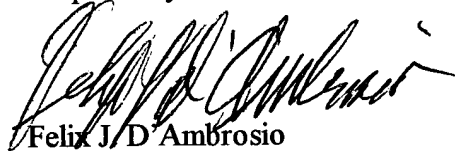
Combining Ennis with Fromme does nothing to cure the deficiencies existing in Ennis vis-a-vis the claimed invention.

The art which the examiner has applied is exceedingly remote in subject matter from that claimed in this application. Accordingly, reconsideration is respectfully requested and the noted rejections withdrawn.

To assist the examiner in his further consideration, applicants are submitting herewith a copy of applicants issued German patent, DE 198 12 553 Cl, and an English translation of the patented claims. A comparison of the patented claims and the pending claims will reveal a parallel scope.

This application should be allowed with claims 18-24 in their present state.

Respectfully submitted,



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